

FILED JUL 29 2009 USDC-OR

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN M. STARR,  
Plaintiff,

Civ. No. 08-6189-CL

v.

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

**ORDER**

Defendant.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal issues *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate

Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#19) is adopted. The Commissioner's decision is reversed and this action is remanded to the agency for an award of benefits.

IT IS SO ORDERED.

DATED this 29 day of July, 2009.



OWEN M. PANNER  
U.S. DISTRICT JUDGE